

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
Southern District of New York

13 CV 6641

WILLIAM B. WESTWOOD

Plaintiff

v.

MEN'S MEDICAL NEW YORK, PC. and LAWRENCE
A. SMILEY, M.D.

Defendant

Civil Action No. **JUDGE FORREST**

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* MEN'S MEDICAL NEW YORK, PC.
99 Jericho Turnpike Suite 202, Jericho, NY 11753

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

RUBY J. KRAJICK

CLERK OF COURT

SEP 19 2013

Date: _____

Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILLIAM B. WESTWOOD

Plaintiff(s), Petitioner(s)

against

LAWRENCE A. SMILEY, M.D. C/O MEN'S MEDICAL
NEW YORK, P.C.

Defendant(s), Respondent(s)

ATTORNEY: Tannenbaum, Helpert, Syracuse & Hirschtritt, LLP.

Index No.: 13CIV-6641

DATE OF FILING: 9/19/2013

AFFIDAVIT OF SERVICE

STATE OF N.Y.: COUNTY OF NASSAU: ss:

I, Douglas C. Helkowski, being duly sworn according to law upon my oath, depose and say, that deponent is not a party to this action, is over 18 years of age and resides in the state of New York, .

That on **September 24, 2013 at 2:53 PM at 99 Jericho Turnpike, Suite 202, Jericho, NY 11753**, deponent served the **Summons in a Civil Action, Civil Complaint, Civil Cover Sheet, Individual Practices in Civil Cases of Sarah Netburn, United States Magistrate Judge, Individual Practices in Civil Cases of Katherine B. Forrest, United States District Judge & Electronic Case Filing Rules and Instructions** upon **Mens Medical New York, P.C.**, defendant/respondent/recipient herein .

Said service was effected in the following manner;

By delivering to and leaving a true copy of each to **Lawrence A. Smiley, M.D. c/o Men's Medical New York, P.C.** personally, a person who stated to be an authorized agent to receive process service for **Mens Medical New York, P.C.**. Deponent knew said business so served to be the business described in said Summons in a Civil Action, Civil Complaint, Civil Cover Sheet, Individual Practices in Civil Cases of Sarah Netburn, United States Magistrate Judge, Individual Practices in Civil Cases of Katherine B. Forrest, United States District Judge & Electronic Case Filing Rules and Instructions as said defendant/respondent/recipient. Deponent knew the individual accepting service to be an/the **Authorized Agent** thereof.

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows: Sex: **Male** Skin: **White** Hair: **Gray** Age(Approx): **60** Height(Approx): **5' 10"** Weight(Approx): **160-170 lbs**
Other:

I certify that the foregoing statements made by me are true, correct and my free act and deed. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Sworn to before me on September 27 2013

Craig L. Eisenberg
Notary Public, State of New York
Registration No. 01E16030725
Qualified in Suffolk County
Commission Expires September 20, 2017

Douglas C. Helkowski,

Executive Attorney Services, 293 Castle Ave, Ste 1C, Westbury, NY 11590 (516) 333-3447
Case No.: 152572